



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31126 of 2024

DHANARAJAN

S/o.Venkatachalam, No.1/97, Tvr Nagar,
Deverayampalayam, Magudanchavadi, Sankari
Taluk, Salem District.

Petitioner(s)

Vs

State Rep. By, The Inspector Of Police,
Magudanchavdi Police Station, Salem District.
Crime No.376 Of 2024

Respondent(s)

For Petitioner(s) : K.Komala

For Respondent(s) : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

Apprehending arrest in connection with Crime No.376 of 2024 registered for the offences punishable under Sections 7(3) of Lotteries Regulation Act and Section 318 (4) of the Bharatiya Nyaya Sanhita 2023, the present petition has been filed by the petitioner seeking anticipatory bail.



2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court.

He further submits that the petitioner is an innocent person and without prejudice to his contentions, the petitioner is prepared to deposit Rs.5,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

3.The case of the prosecution as per the defacto complainant, as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of bail, is that the petitioner along with other accused was found to have sold the banned lotteries. He further submitted that the petitioner has got three previous cases.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the “ District legal Services Authority, Salem District” without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.2, Sankari**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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